

# House Study Bill 78

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL BY  
CHAIRPERSON GASKILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to documents recorded with the county recorder.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 1656HC 82  
4 eg/je/5

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1 1 Section 1. Section 331.606A, Code 2007, is amended by  
1 2 striking the section and inserting in lieu thereof the  
1 3 following:  
1 4 331A.606A DOCUMENT CONTENT == PERSONALLY IDENTIFIABLE  
1 5 INFORMATION.  
1 6 1. DEFINITIONS.  
1 7 a. "Personally identifiable information" means one or more  
1 8 of the following specific unique identifiers when combined  
1 9 with an individual's name:  
1 10 (1) Social security number.  
1 11 (2) Driver's license number, nonoperator's identification  
1 12 card number, or any other state or federal government-issued  
1 13 identification card number.  
1 14 (3) Financial institution account number, credit, debit,  
1 15 or charge card number.  
1 16 (4) Date of birth.  
1 17 b. "Preparer" means the person or entity who creates,  
1 18 drafts, edits, revises, or last changes the documents that are  
1 19 recorded with the recorder.  
1 20 c. "Redact" or "redaction" means the process of removing  
1 21 personally identifiable information from documents.  
1 22 2. INCLUSION OF PERSONALLY IDENTIFIABLE INFORMATION. The  
1 23 preparer of a document shall not include an individual's  
1 24 personally identifiable information in a document that is  
1 25 prepared and presented for recording in the office of the  
1 26 recorder. This subsection shall not apply to documents that  
1 27 were executed by an individual prior to July 1, 2007. Unless  
1 28 provided otherwise by law, all documents described by this  
1 29 section are subject to inspection and copying by the public.  
1 30 3. REDACTION ON A RECORDER'S INTERNET WEBSITE. If a  
1 31 document that includes an individual's personally identifiable  
1 32 information was recorded with the recorder and is available on  
1 33 the recorder's internet website, the individual may request  
1 34 that the recorder redact such information from the website.  
1 35 The recorder shall establish a procedure by which individuals  
2 1 may request that such personally identifiable information be  
2 2 redacted from the internet record available on the recorder's  
2 3 internet website, at no fee to the requesting individual. The  
2 4 recorder shall comply with an individual's request to redact  
2 5 personally identifiable information.  
2 6 4. LIABILITY OF PREPARER. A preparer who, in violation of  
2 7 subsection 2, enters personally identifiable information in a  
2 8 document that is prepared and presented for recording is  
2 9 liable to the individual whose personally identifiable  
2 10 information appears in the recorded public document for  
2 11 damages of up to five hundred dollars for each act of  
2 12 recording.  
2 13 5. LIABILITY OF RECORDER. The recorder shall not be  
2 14 liable for any claims arising from a violation of this  
2 15 section.  
2 16 6. APPLICABILITY. This section shall not apply to a  
2 17 preparer of a state or federal tax lien or a military  
2 18 separation or discharge record that is prepared for recording  
2 19 in the office of county recorder. If a military separation or

2 20 discharge record is recorded in the office of the county  
2 21 recorder, the military separation or discharge record shall  
2 22 not be accessible through the internet.

2 23 EXPLANATION

2 24 Code section 331.606A currently provides that a person who  
2 25 prepares a document for filing with the county recorder shall  
2 26 not include an individual's federal social security number.  
2 27 This bill extends this prohibition to "personally identifiable  
2 28 information" which is defined to mean a social security  
2 29 number; driver's license number, nonoperator's identification  
2 30 card number, or any other state or federal government-issued  
2 31 identification card number; financial institution account  
2 32 number, credit, debit, or charge card number; and date of  
2 33 birth.

2 34 The bill provides that a person may demand that a recorder  
2 35 remove any personally identifiable information that is located  
3 1 on the recorder's internet website.

3 2 The bill provides that a person who enters personally  
3 3 identifiable information in a document that is recorded is  
3 4 liable for damages of up to \$500 for each act of recording.  
3 5 However, the recorder cannot be held liable for any such  
3 6 claims.

3 7 LSB 1656HC 82

3 8 eg:sc/je/5